

REMARKS

Claims 1-6 are pending. An Office Action mailed November 3, 2003 rejected Claims 1-6 under 35 U.S.C. §§ 112 and 103. By way of this Amendment, Applicant cancels Claims 1 and 4, amends Claims 2, 3, 5, and 6, and adds new Claims 7 and 8. Pursuant to 37 C.F.R. §1.111, Applicant hereby respectfully requests reconsideration of the Application.

Rejection of Claims under 35 U.S.C. § 112, first paragraph

The Office Action rejected Claims 1-6 as failing to comply with the enablement requirement. Applicant has cancelled Independent Claims 1 and 4, thereby rendering this rejection moot. New Independent Claims 7 and 8 now comply with the enablement requirement and the claim limitations noted by the Examiner with regard to old Claims 1 and 4 have been changed and are fully supported by the specification (FIGURE 3; page 4, lines 18-31).

Rejection of Claims 1-6 under 35 U.S.C. § 112, second paragraph

Claims 1-6 were rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has cancelled Claims 1 and 4, thereby rendering this rejection moot. New Claims 7 and 8 are similar to cancelled Claims 1 and 4 but include changes in order to comply with the noted rejection.

Rejection of Claims 1-6 under 35 U.S.C. § 103

The Office Action rejects Claims 1-6 as being unpatentable over U.S. Patent to Nguyen et al in view of LeMaire et al. The Office Action stated that Nguyen discloses a method and system for connecting different hosts that have different communication protocols, and include the steps of determining if a request to receive a multicast signal has occurred, testing the sub-network, and implementing a first multicast protocol. The Office Action states that Nguyen et al is unclear on testing and using a "subsequent multicast protocol" if the result of a test for the first

multicast protocol is below a certain criteria. The Office Action states that it would have been obvious to one skilled in the art prior to Applicant's invention to perform a "reachability test" for a subsequent multicast protocol. The Office Action further states that the background of LeMaire et al discloses that routers use more than one multicast protocol and that one skilled in the art would have been motivated to look for a second multicast protocol if a first multicast routing protocol is not present. With regard to new Independent Claims 7 and 8, Applicant respectfully traverses this rejection.

Applicant submits that Nguyen et al and Le Maire et al fail to teach or suggest alone or in combination a user system that receives a multicast signal over a public data network that performs implementing a tested for first multicasting protocol if the result of the test includes receiving a message that indicates the first multicasting protocol is capable of being used or is presently being used and the received message meets a preset criteria. Applicant submits that each host system seeks to disseminate information to a plurality of destination hosts. The server uses its matrix data structure to ensure that each destination receives the data by the most efficient means (Col. 5, lines 30-37). Applicant submits that if any analysis or tests are being done they are being performed by the server or the generator of the multicast product and not the user system (i.e., destination host) as claimed in Claims 7 and 8. Le Maire et al fails to overcome this deficiency of Nguyen et al. Therefore Applicant submits that Claims 7 and 8 are allowable over the cited references. Because Claims 3, 4, 5, and 6 depend from allowable independent Claims 7 and 8, they are allowable for the same reasons that make their independent claims allowable.

CONCLUSION

Applicant respectfully submits that all of the claims of the pending application are now in condition for allowance over the cited references. Accordingly, Applicant respectfully requests entry of the amendment, withdrawal of the rejections, allowance, and early passage through issuance. If the examiner has any questions, the examiner is invited to contact the Applicant's agent listed below.

Respectfully submitted,

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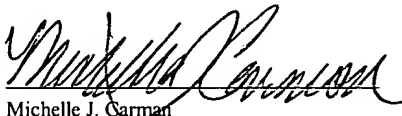
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MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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